

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESAL PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
)	Subcategory No. 03-10643
THIS DOCUMENT RELATES TO:)	
)	Judge Patti B. Saris
<i>The City of New York, et al.</i>)	
)	
v.)	
)	
<i>Abbott Laboratories, et al.</i>)	
)	

**ERRATA TO PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY JUDGMENT ON ISSUES RELATING
TO THE FEDERAL UPPER LIMIT AND UNDER NEW YORK SOCIAL
SERVICES LAW §145-B**

PLEASE TAKE NOTICE THAT:

Plaintiffs, by their undersigned counsel, hereby submit the following errata to plaintiffs' Motion for Partial Summary Judgment on Issues Relating to the Federal Upper Limit and Under New York Social Services Law §145-b ("Motion for Partial Summary Judgment"), filed on May 15, 2009. Plaintiffs inadvertently identified Defendant Wyeth as Wyeth Pharmaceuticals, Inc. in their papers filed on May 15, 2009 in support of their Motion for Partial Summary Judgment. The following identifies the page numbers and paragraph numbers where plaintiffs should have named Defendant Wyeth rather than Wyeth Pharmaceuticals, Inc. The corrections, listed below, are all non-substantive. Defendant Wyeth has consented to the filing of this Errata.

Page, Paragraph, Line	Title of Document Filed	Docket Number
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p. 3, subpart (13)	Plaintiffs' Notice of Motion for Partial Summary Judgment on Issues Relating to the Federal Upper Limit and Under New York Social Services Law §145-b	Docket No. 6058 Sub-docket No. 60
p. 2, fn. 3	Plaintiffs' Memorandum of Law in Support of Motion for Partial Summary Judgment on Issues Relating to the Federal Upper Limit and Under New York Social Services Law §145-b	Docket No. 6077 Sub-docket No. 78
p. 1, fn. 1	Plaintiffs' Local Rule 56.1 Statement of Undisputed Material Facts Related to Federal Upper Limits ("FULs") and Applicable to All Thirteen FUL Defendants (the "FUL Thirteen")	Docket No. 6060 Sub-docket No. 62
p. 1, Title p. 1, introductory paragraph, line 2	Plaintiffs' Local Rule 56.1 Statement of Undisputed Material Facts as to Wyeth Pharmaceuticals, Inc.	Docket No. 6074 Sub-docket No. 75
p. 22, Title p. 22, ¶ 181, ¶ 182	Declaration of Joanne M. Cicala in Support of Plaintiffs' Memorandum of Law in Support of Motion for Partial Summary Judgment on Issues Relating to the Federal Upper Limit and Under New York Social Services Law §145-b	Docket No. 6075 Sub-docket No. 76
p. 1, fn. 1 p. 3, line 5	Plaintiffs' Motion for Partial Summary Judgment on Issues Relating to the Federal Upper Limit and Under New York Social Services Law §145-b	Docket No. 6076 Sub-docket No. 77

Dated: June 8, 2009

Respectfully submitted,

**City of New York and New York
Counties in MDL 1456 except Nassau and
Orange by**

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CERTIFICATE OF SERVICE

I, James P. Carroll Jr., hereby certify that I caused a true and correct copy of the foregoing ERRATA TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON ISSUES RELATING TO THE FEDERAL UPPER LIMIT AND UNDER NEW YORK SOCIAL SERVICES LAW § 145-B to be served on counsel of record via electronic service pursuant to paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File and Serve for posting and notification to all parties.

Dated: June 8, 2009

_____/s/_____
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